

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 37

December 18, 2002

SUBJECT: RESPONSIBILITY FOR FALSE PERSONATION INVESTIGATIONS

PURPOSE: Generally, false personation involves the fraudulent use of someone else's identity to avoid prosecution from an arrest or citation. Unlike identity theft, where a suspect uses someone else's personal information to obtain goods, credit or services, the crime of false personation usually is not committed for financial gain.

It is common for suspects to use the name and personal information of another to avoid prosecution/liability for their offenses, detection of arrest warrants, or a negative entry in their driving record. This can happen while being arrested, issued a citation, or reporting a traffic collision.

This Order assigns investigative responsibility for false personation cases to the appropriate geographic Area detective or traffic detective sections.

PROCEDURE:

I. FALSE PERSONATION – DEFINED. Penal Code Section 529, a felony, defines false personation as the use of another person's identity or personal information that could result in the victim becoming liable for any suit or prosecution.

II. FALSE PERSONATION INVESTIGATIONS.

A. Arrest Related. False personation cases resulting from any arrest or any other incident, excluding a traffic citation or traffic report, shall be investigated by the Area detective section in the Area of occurrence.

B. Traffic Related. False personation cases resulting from a Traffic Notice To Appear (citation) or traffic collision report shall be investigated by the traffic detective section responsible for the Area of occurrence.

III. OFFICER'S RESPONSIBILITY. Officers conducting a preliminary investigation of a false personation case shall:

- * Complete a Preliminary Investigation Report (PIR), titled "False Personation," unless a related crime report has been completed by another law enforcement agency;
- * Include photocopies of all documents supporting the allegation of false personation as pages of the report. If these documents are not available, explain the reason in the narrative of the report;
- * Include a copy of the victim's identification as a page of the report. If unable to attach a copy, explain the reason in the narrative of the report; and,
- * Generally, these reports should not be completed telephonically. If the crime occurred in the City, the victim should be directed to appear in person at the nearest Area Community Police Station with copies of supporting documentation and identification to file a report.

Note: The elements of the crime of false personation require that a suspect successfully complete the act, which might result in criminal or civil liability for the victim. If a suspect attempts to personate another at the time of arrest, booking, traffic citation or traffic report, officers should handle the investigation via arrest for the appropriate violation (e.g., Penal Code Section 148.9 or Vehicle Code Section 31) or, if arrested for a more serious crime, include the information in the narrative of the report and request additional filing.

AMENDMENTS: This Order adds section 4/248.20 to the Department Manual.

AUDIT RESPONSIBILITY: Each bureau commanding officer shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

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